

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-mc-80743 -MIDDLEBROOKS

IN RE APPLICATION OF ORTHOGEN
INTERNATIONAL GMBH,

Petitioner,

For an order pursuant to 28 U.S.C. § 1782
To conduct discovery for use in a foreign
Proceeding.

/

**ORDER GRANTING EX PARTE APPLICATION FOR JUDICIAL ASSISTANCE
PURSUANT TO 28 U.S.C. § 1782**

THIS CAUSE is before the Court upon Petitioner's "*Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding," filed on May 4, 2023. (DE 1). Having reviewed the Application, its supporting memorandum of law (DE 3), and all exhibits attached thereto, the Court finds that the requested discovery is authorized pursuant to 28 U.S.C. § 1782.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Petitioner's Application (DE 1) is **GRANTED**.
2. Petitioner is authorized to serve Edward Capla and Yolanda Capla with the subpoenas annexed to the Memorandum of Law as Exhibit B.
3. Petitioner shall seek leave of Court to serve additional subpoenas on persons or entities not included in the Application, found or residing in this District, as may be necessary to obtain testimonial and/or documentary evidence relevant to the foreign proceeding.
4. Motions to quash the subpoenas, if any, may be addressed pursuant to the procedures set forth in Fed. R. Civ. P. 45.

5. The Clerk of Court shall administratively **CLOSE** this case.

SIGNED in Chambers at West Palm Beach, Florida, this 2 day of May, 2023.



Donald M. Middlebrooks
United States District Judge

Copies to: Counsel of Record